

House Daily Reader

Monday, February 07, 2000

Bills Included				
HB 1005	HB 1058	HB 1102	HB 1133	HB 1134
HB 1154	HB 1175	HB 1178	HB 1185	HB 1194
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State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

285D0028

HOUSE TAXATION COMMITTEE ENGROSSED NO. **HB1005** - 2/4/00

Introduced by: Representatives Lintz, Chicoine, Engbrecht, Juhnke, McNenny, Sutton (Duane), Waltman, and Young and Senators Symens, Madden, Paisley, and Vitter at the request of the Interim Tax Assessment Committee

1 FOR AN ACT ENTITLED, An Act to use agricultural income value to determine the value of
2 agricultural land and to conduct a pilot study on agricultural income value.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of § 10-6-33, agricultural land shall be assessed based on its
7 agricultural income value. The agricultural income value of agricultural land shall be determined
8 on the basis of productivity and the annual earnings capacity of the agricultural land if the land
9 is used for agricultural purposes. The productivity of land and its annual earning capacity shall
10 be based on data collected and analyzed pursuant to sections 2 to 5, inclusive, of this Act.

11 Section 2. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Agricultural income value is defined as the capitalized average annual earning capacity. The
14 annual earning capacity shall be determined from share rent and, reduced by the estimated
15 property taxes and marketing expenses incurred by agricultural land owners renting agricultural

land on a share basis. The capacity of the cropland to produce agricultural products shall be based on average yields for crops or plants under natural conditions. The capacity of noncropland to produce agricultural products shall be based on average acres per animal unit under natural conditions. For the purpose of this section, annual earning capacity for:

- (1) Cropland is thirty percent of the annual gross income produced;
- (2) Noncropland is twenty-five percent of the annual gross income capacity of the land based upon the animal carrying capacity of the land.

The economics department of South Dakota State University shall annually compute the average annual earning capacity of cropland and noncropland for each county using the data base defined in section 4 of this Act. The average annual earning capacity shall be capitalized at a rate of six percent to determine the capitalized average annual earning capacity. The economics department shall annually provide the secretary of revenue this information by June first.

Section 3. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as follows:

Before July first, the secretary of revenue shall annually provide each director of equalization the agricultural income value for each county as computed pursuant to section 2 of this Act. Before November first the director of equalization shall annually determine the assessed value of agricultural land. Agricultural land shall be assessed based on its agricultural income value and adjusted by the following factors:

- (1) The capacity of the land to produce agricultural products as specified in section 2 of this Act; and
- (2) The location, size, soil survey statistics, terrain, and topographical condition of the land including the climate, accessibility, and surface obstructions which can be documented.

Section 4. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The secretary of revenue shall enter into contracts with South Dakota State University and,
3 if necessary, the South Dakota Agricultural Statistics Service for the purpose of creating a data
4 base to determine the agricultural income value of agricultural land by county. A data base for
5 an identifiable region within a county may be created if the director of equalization shows a need
6 for establishing identifiable regions within a county. The secretary shall collect such data for
7 1993, which will serve as the first year of the data base, and each year thereafter. The data base
8 shall consist of the most recent eight years of data that have been collected and the years
9 representing the highest and lowest agricultural income value shall be discarded from the data
10 base. The data base for the 2002 assessment year shall consist of data from 1993 to 2000,
11 inclusive, and the data base for each assessment year thereafter shall be adjusted accordingly.

12 Section 5. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Agricultural land shall be divided by the director of equalization into categories, including
15 cropland and noncropland, so that the categories reflect uses appropriate for the valuation of
16 such land. Each category shall be divided into subclasses based on soil classification standards
17 developed by the United States Department of Agriculture Natural Resources Conservation
18 Service.

19 Section 6. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 Buildings and structures, other than normally occupied dwellings on agricultural land and
22 automobile garages or portions of buildings used for that purpose, which are used exclusively
23 for agricultural purposes and situated on agricultural land are hereby specifically classified for
24 tax purposes as agricultural property and shall be assessed pursuant to § 10-6-33.

25 Section 7. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The agricultural income value for agricultural land as determined pursuant to section 1 of this
3 Act represents eighty-five percent of the fair market value.

4 Section 8. That § 10-6-1 be amended to read as follows:

5 10-6-1. Terms used in this chapter mean:

- 6 (1) "Credit," every claim and demand for money or other valuable thing and every annuity
7 or sum of money receivable at stated periods, due or to become due, and all claims
8 and demands secured by deeds or mortgages due or to become due, except for
9 contracts for deed and mortgages, in which case the term means only the payment
10 received each year under the contract or mortgage;
- 11 (2) "District," township, municipality, or ward, as the case may be;
- 12 (3) "Full agricultural land value," the value of agricultural land as determined by the
13 application of this chapter;
- 14 (4) "Money," gold and silver coin, treasury notes, bank notes, and every deposit which
15 any person owning the same or holding in trust and residing in this state is entitled to
16 withdraw in money on demand;
- 17 (5) "Tract," "lot," "piece," or "parcel" of real property, or "piece or parcel of land," any
18 contiguous quantity of land in the possession of, owned by, or recorded as, the
19 property of the same claimant, person, or company;
- 20 (6) "True and full value," for all real property, except agricultural land, the usual cash
21 selling price at the place where the property to which the term is applied shall be at
22 the time of the assessment.

23 Section 9. That § 10-6-33.1 be repealed.

24 ~~10-6-33.1. The true and full value in money of agricultural land, as defined by § 10-6-31,~~
25 ~~which has been in primarily agricultural use for at least five successive years immediately~~

preceding the tax year for which assessment is to be made shall be the market value as determined for each county through the use of all comparable sales of agricultural land based on consideration of the following factors:

~~(1) The capacity of the land to produce agricultural products as defined in § 10-6-33.2; and~~

~~(2) The soil, terrain, and topographical condition of the property including but not limited to capability, the land's use, climate, accessibility, and surface obstructions which can be documented through an analysis of land selling prices.~~

~~The comparable sales that are used shall be evidenced by an instrument recorded with the register of deeds of the county in which the land is located, if the date of such instrument and the recording date is not more than two years prior to the assessment year.~~

Section 10. That § 10-6-33.2 be repealed.

~~10-6-33.2. Capacity of land in agricultural use to produce agricultural products shall be based on average yields under natural conditions, in the case of land producing crops or plants, and on the average "acres per animal unit," in the case of grazing land; said average shall affect each operating unit and shall be based on the ten-year period immediately preceding the tax year in issue. In determining such capacity to produce, the county director of equalization and/or the county board of equalization must take into consideration yields, and/or carrying capacity, as determined by the soil conservation service, the agricultural stabilization and conservation service, the extension service, federal land bank, and private lending agencies dealing with land production capacities.~~

Section 11. That § 10-6-33.3 be repealed.

~~10-6-33.3. Land or improvement on land within an operating unit which is not used incident to an agricultural pursuit shall be separately listed and assessed and the income therefrom shall not be used in determining the values for the purposes of §§ 10-6-33.1 and 10-6-33.2.~~

Section 12. That § 10-6-33.4 be repealed.

~~10-6-33.4. If agricultural land has been classified pursuant to chapter 10-10, land within these classifications and the classifications shall conform to the provisions of §§ 10-6-33.1 to 10-6-33.3, inclusive.~~

Section 13. That § 10-6-33.5 be amended to read as follows:

10-6-33.5. The assessment, valuation, equalization, and taxation of school and endowment lands shall be at the same level and on the same basis as lands assessed, valued, and equalized according to ~~§§ 10-6-33.1 to 10-6-33.4, inclusive~~ sections 1 to 5, inclusive, of this Act.

Section 14. That § 10-6-33.6 be repealed.

~~10-6-33.6. If the median value per acre in an identifiable region within a county deviates by more than ten percent from the county average, the county director of equalization may establish a separate market value per acre for the land defined by the director of equalization within that region.~~

Section 15. That § 10-6-33.7 be repealed.

~~10-6-33.7. Agricultural land in each county shall be divided into the eight classes defined by the United States Department of Agriculture's soil conservation service as published in its soil survey for each county. The county director of equalization shall, based on the agricultural lands soil survey classification, determine a value for each soil type. The value for each soil type shall be determined from sales of similar land based upon its soil survey classification, and as adjusted for the factors contained in subdivision 10-6-33.1(2). The sales used shall be sales of agricultural land that are sold for agricultural purposes.~~

Section 16. That § 10-6-33.12 be repealed.

~~10-6-33.12. For the purposes of §§ 10-6-33.8 and 10-6-33.9, there shall be a separate median sales to assessment ratio and coefficient of dispersion for agricultural and nonagricultural real property.~~

1 Section 17. That § 10-6-33.20 be repealed.

2 ~~10-6-33.20. Any agricultural land, as defined in § 10-6-31.3, which is sold in an increment~~
3 ~~of seventy acres or less, may not be used for the purpose of valuing agricultural land. The sale~~
4 ~~of any agricultural land, which is not used for purpose of valuing agricultural property pursuant~~
5 ~~to this section, may not be used in any sales ratio study.~~

6 Section 18. That § 10-11-56.5 be repealed.

7 ~~10-11-56.5. No sale of any land which is classified pursuant to § 10-6-58 may be used in any~~
8 ~~sales ratio study.~~

9 Section 19. That § 10-11-57 be repealed.

10 ~~10-11-57. In order to determine the ratio for agricultural land assessed pursuant to~~
11 ~~§ 10-6-33.1, the secretary of revenue shall compare the assessed valuations on properties used~~
12 ~~for tax purposes in the year sold with the agricultural values of those properties as determined~~
13 ~~under §§ 10-6-33.1 and 10-6-33.2.~~

14 Section 20. That § 10-12-31.1 be amended to read as follows:

15 10-12-31.1. Notwithstanding other provision of law, when applying the levies for school
16 purposes, the county director of equalization of each county shall adjust the level of assessment
17 in that district so that the level of assessment as indicated by the most recent assessment to sales
18 ratio as provided for in § 10-11-55 and the most recent ~~assessment to full agricultural land value~~
19 ratio agricultural income value as provided for in ~~§ 10-11-57 section 1 of this Act~~ in that district
20 are equal to eighty-five percent of market or agricultural income value. The Department of
21 Revenue shall provide the director of equalization of each county all of the factors of adjustment
22 necessary for the computations required in this section.

23 Section 21. Sections 1 to 3, inclusive, of this Act and sections 5 to 20, inclusive, of this Act
24 are effective on July 1, 2002.

25 Section 22. The secretary of revenue shall conduct a pilot study concerning the use of

1 agricultural income value as a means to value agricultural land. The pilot study shall include an
2 analysis of various capitalization rates and determine the impact of such rates on the total
3 statewide assessed value of agricultural property and its relationship to the total statewide
4 assessed value of all property. The pilot study shall include the counties of Clark, Moody,
5 Turner, Brown, Hyde, Lyman, Corson, Meade, and Custer. The secretary shall, for the purpose
6 of providing information, apply the provisions and procedures provided in this Act to value
7 agricultural land in the selected counties. The secretary shall submit a report detailing the
8 information collected to the Executive Board of the Legislative Research Council by March 31,
9 2001. The Executive Board of the Legislative Research Council, after receipt of the pilot study,
10 may implement an interim study to study the effects of the capitalization rate, preventing a tax
11 shift between agricultural and nonagricultural property, and to evaluate the procedures used to
12 determine agricultural income values, preventing tax shifts within agricultural property.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to Taxation. H.J. 13

3 1/20/00 Scheduled for Committee hearing on this date.

4 2/3/00 Scheduled for Committee hearing on this date.

5 2/3/00 Taxation Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 402

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

505D0190

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1058** - 2/4/00

Introduced by: Representatives Eccarius, Brooks, Brown (Richard), Davis, Duniphan, Fiegen, Hennies, Koetzle, Koskan, Peterson, and Richter and Senators Everist, Hainje, Madden, Munson (David), Olson, and Paisley

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to special education.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 13-28-42 be repealed.

4 ~~— 13-28-42. The resident district is responsible for the provision of a free appropriate public~~
5 ~~education for students in need of special education or special education and related services.~~

6 ~~Notwithstanding the provisions of § 13-28-44, a request to transfer a student in need of special~~
7 ~~education or special education and related services may be granted only if, through the placement~~
8 ~~committee process, the resident and nonresident districts determine that the nonresident district~~
9 ~~can provide an appropriate instructional program and facilities to meet the student's needs. The~~
10 ~~resident district shall reimburse the nonresident district actual costs incurred in providing an~~
11 ~~appropriate special education for a student in need of special education and related services.~~

12 ~~Notwithstanding the provisions of § 13-28-45, the placement committee, including~~
13 ~~representatives of the resident and nonresident districts, shall determine whether a student in~~
14 ~~need of special education requires transportation as a related service. If so, the resident district~~
15 ~~shall provide or ensure the provision of transportation.~~

~~If a parent or guardian of a student in need of special education or special education and related services wishes to transfer the student back to the resident district, the request shall be considered by the placement committee. The committee must include representatives of the resident and nonresident districts.~~

Section 2. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding the provisions of §§ 13-28-44 and 13-37-8.4, a request to transfer a student in need of special education or special education and related services may be granted only if an individualized education program team consisting of representatives from the resident and nonresident districts determines that the nonresident district can provide an appropriate instructional program and facilities, including transportation, to meet the student's needs. If the request to transfer is granted, the nonresident district is responsible for the provision of a free appropriate public education for the student in need of special education or special education and related services. Notwithstanding the provisions of § 13-28-45, the individualized education program team shall also determine whether the student in need of special education requires transportation as a related service. If so, the nonresident district shall provide or ensure the provision of transportation within the boundaries of the attendance center to which the student is assigned.

If a parent or guardian of a student in need of special education or special education and related services requests to transfer the student back to the resident district, the individualized education program team shall consider the request.

Section 3. That § 13-37-35.1 be amended to read as follows:

13-37-35.1. Terms used in chapter 13-37 mean:

(1) "Level one disability," a mild disability;

(2) "Level two disability," a mental retardation or emotional disorder;

- 1 (3) "Level three disability," hearing impairment, deafness, visual impairment,
2 deaf-blindness, orthopedic impairment, or traumatic brain injury;
- 3 (4) "Level four disability," autism;
- 4 (5) "Level five disability," multiple disabilities;
- 5 (6) "Index factor," is the annual percentage change in the consumer price index for urban
6 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
7 the United States Department of Labor for the year before the year immediately
8 preceding the year of adjustment or three percent, whichever is less;
- 9 (7) "Local effort," is the amount of taxes payable each year, using a levy for the special
10 education fund of a school district of one dollar and thirty-five cents per thousand
11 dollars of taxable valuation;
- 12 (8) "Allocation for a student with a level one disability," for the school fiscal year
13 beginning July 1, 1999, is \$3,504. For each school year thereafter, the allocation for
14 a student with a level one disability shall be the previous fiscal year's allocation for
15 such child increased by the lesser of the index factor or three percent;
- 16 (9) "Allocation for a student with a level two disability," for the school fiscal year
17 beginning July 1, 1999, is \$7,914. For each school year thereafter, the allocation for
18 a student with a level two disability shall be the previous fiscal year's allocation for
19 such child increased by the lesser of the index factor or three percent;
- 20 (10) "Allocation for a student with a level three disability," for the school fiscal year
21 beginning July 1, 1999, is \$10,116. For each school year thereafter, the allocation for
22 a student with a level three disability shall be the previous fiscal year's allocation for
23 such child increased by the lesser of the index factor or three percent;
- 24 (11) "Allocation for a student with a level four disability," for the school fiscal year
25 beginning July 1, 1999, is \$14,705. For each school year thereafter, the allocation for

1 a student with a level four disability shall be the previous fiscal year's allocation for
2 such child increased by the lesser of the index factor or three percent;

3 (12) "Allocation for a student with a level five disability," for the school fiscal year
4 beginning July 1, 1999, is \$15,808. For each school year thereafter, the allocation for
5 a student with a level five disability shall be the previous fiscal year's allocation for
6 such child increased by the lesser of the index factor or three percent;

7 (13) "Child count," is the number of students in need of special education or special
8 education and related services according to criteria set forth in rules promulgated
9 pursuant to §§ 13-37-1.1 and 13-37-46 submitted to the Department of Education
10 and Cultural Affairs in accordance with rules promulgated pursuant to § 13-37-1.1;

11 (14) "~~Resident average~~ Average daily membership," the average number of ~~resident~~
12 kindergarten through twelfth grade pupils enrolled in all schools operated by the
13 school district during the previous regular school year plus the average number of
14 pupils for whom the district pays tuition ~~and plus the average number of resident~~
15 ~~pupils enrolled in another school district under the provisions of § 13-28-40;~~

16 (15) "Nonpublic school," a sectarian organization or entity which is accredited by the
17 secretary of education and cultural affairs for the purpose of instructing children of
18 compulsory school age. This definition excludes any school that receives a majority
19 of its revenues from public funds;

20 (16) "Nonpublic average daily membership," the average number of kindergarten through
21 twelfth grade pupils enrolled during the previous regular school year in all nonpublic
22 schools located within the boundaries of the public school district plus the average
23 number of children under age sixteen who are approved for alternative instruction
24 pursuant to § 13-27-2 during the previous school year;

25 (17) "Special education average daily membership," ~~resident~~ average daily membership

1 plus nonpublic average daily membership;

2 (18) "Local need," an amount to be determined as follows:

3 (a) Multiply the special education average daily membership by 0.089 and multiply
4 the result by the allocation for a student with a level one disability;

5 (b) Multiply the number of students having a level two disability as reported on the
6 child count for the previous school fiscal year by the allocation for a student
7 with a level two disability;

8 (c) Multiply the number of students having a level three disability as reported on
9 the child count for the previous school fiscal year by the allocation for a
10 student with a level three disability;

11 (d) Multiply the number of students having a level four disability as reported on the
12 child count for the previous school fiscal year by the allocation for a student
13 with a level four disability;

14 (e) Multiply the number of students having a level five disability as reported on the
15 child count for the previous school fiscal year by the allocation for a student
16 with a level five disability;

17 (f) Sum the results of (a) through (e);

18 (19) "Effort factor," the school district's special education tax levy in dollars per thousand
19 divided by \$1.35. The maximum effort factor is 1.0.

20 ~~—If a parent or guardian of a student in need of special education or special education and~~
21 ~~related services wishes to transfer the student back to the resident district, the request shall be~~
22 ~~considered by the placement committee. The committee must include representatives of the~~
23 ~~resident and nonresident districts.~~

24 Section 4. That § 13-13-10.1 be amended to read as follows:

25 13-13-10.1. Terms used in this chapter mean:

(1) "~~General enrollment average~~ Average daily membership," the average number of resident and nonresident kindergarten through twelfth grade pupils enrolled in all schools operated by the school district during the previous regular school year, minus average number of pupils for whom the district receives tuition, except pupils described in subdivision (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42 and plus the average number of pupils for whom the district pays tuition; ~~except pupils for whom the district pays tuition pursuant to § 13-28-42;~~

(1A) Nonresident students who are in the care and custody of the Department of Social Services, the Unified Judicial System, the Department of Corrections, or other state agencies and are attending a public school may be included in the average daily membership of the receiving district when enrolled in the receiving district. When counting a student who meets these criteria in its general enrollment average daily membership, the receiving district may begin the enrollment on the first day of attendance. The district of residence prior to the custodial transfer may not include students who meet these criteria in its general enrollment average daily membership after the student ceases to attend school in the resident district;

(2) "Adjusted average daily membership," calculated as follows:

(a) For districts with a ~~general enrollment~~ an average daily membership of two hundred or less, multiply 1.2 times the ~~general enrollment~~ average daily membership;

(b) For districts with a ~~general enrollment~~ an average daily membership of less than six hundred, but greater than two hundred, raise the ~~general enrollment~~ average daily membership to the 0.8293 power and multiply the result times 2.98;

(c) For districts with a ~~general enrollment~~ an average daily membership of six hundred or more, multiply 1.0 times their ~~general enrollment~~ average daily

1 membership;

2 (3) "Index factor," is the annual percentage change in the consumer price index for urban
3 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
4 the United States Department of Labor for the year before the year immediately
5 preceding the year of adjustment or three percent, whichever is less;

6 (4) "Per student allocation," for the period January 1, 1997, to June 30, 1997, inclusive,
7 is \$1,675. For school fiscal year 1998, beginning on July 1, 1997, the per student
8 allocation shall be \$3,350 increased by the index factor. Each school fiscal year
9 thereafter, the per student allocation shall be the previous fiscal year's per student
10 allocation increased by the index factor;

11 (5) "Local need," the per student allocation multiplied by the adjusted average daily
12 membership;

13 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by
14 applying the levies established pursuant to § 10-12-42.

15 Section 5. That § 13-13-1.4 be amended to read as follows:

16 13-13-1.4. If two or more school districts consolidate, for a period of four years after
17 consolidation, the adjusted average daily membership for the newly formed district shall be based
18 upon the ~~general enrollment~~ average daily membership as defined in § 13-13-10.1 of those school
19 districts that have not previously benefited from this section as they existed prior to
20 consolidation. In years two to four, inclusive, after the consolidation, the relationship between
21 the adjusted average daily membership and ~~general enrollment~~ average daily membership shall
22 be proportional to the relationship that existed for the first year.

23 Section 6. That § 13-13-73 be amended to read as follows:

24 13-13-73. The secretary of the Department of Education and Cultural Affairs shall compute
25 state aid to education for each school district under the foundation program according to the

following calculations:

- (1) Determine each school district's ~~general enrollment~~ average daily membership;
- (2) Multiply the per student allocation by the adjusted average daily membership to arrive at the local need per district;
- (3) State aid is (a) local need minus local effort, or (b) zero if the calculation in (a) is a negative number;
- (4) If the state aid appropriation for the general support of education is in excess of the entitlement provided for in this section, the excess shall be used to fund any shortfall of the appropriation as provided for in §§ 13-37-36 and 13-37-43. The secretary shall report to the Governor by January seventh of each year, the amount of state aid necessary to fully fund the general aid formula in the current year. If a shortfall in the state aid appropriation for general education exists that cannot be covered by § 13-37-45, the Governor shall inform the Legislature and provide a proposal to eliminate the shortfall.

Section 7. That § 13-15-28 be amended to read as follows:

13-15-28. Any school district that enters into contractual agreements pursuant to § 13-15-11 and sends over fifty percent of its resident students enrolled in grades for which it contracts to an adjoining school district or districts located in South Dakota shall reorganize the school district pursuant to chapter 13-6 within two years of the end of the school year. For the purposes of this section, the number of students attending adjoining districts shall be based on ~~general enrollment~~ average daily membership pursuant to subdivision 13-13-10.1(1). This section does not apply to a school district located wholly within the boundaries of an Indian reservation.

Section 8. That § 13-28-40 be amended to read as follows:

13-28-40. An enrollment options program is established to enable any South Dakota kindergarten through twelfth grade student to attend any public school that serves the student's

1 grade level in any South Dakota school district, subject to the provisions in §§ 13-28-40 to
2 13-28-47, inclusive. For purposes of determining state aid to education as it relates to the
3 provisions of §§ 13-28-40 to 13-28-47, inclusive, ~~general enrollment~~ average daily membership
4 as defined in § 13-13-10.1 is used to compute foundation aid and ~~resident~~ special education
5 average daily membership as defined in § 13-37-35 is used to determine funding for special
6 education.

7 Section 9. That § 13-28-39 be amended to read as follows:

8 13-28-39. The Department of Social Services shall pay tuition costs and related service costs
9 for students in residential treatment centers or group care centers for minors who are under the
10 care and custody of the Department of Social Services, the Unified Judicial System, or other
11 entities approved by the secretary of the Department of Social Services. ~~For students with~~
12 ~~disabilities residing in a foster home, the Department of Social Services shall pay for special~~
13 ~~education or special education and related services. Students residing in foster homes must be~~
14 ~~in the care and custody of the Department of Social Services, the Unified Judicial System, or~~
15 ~~other entities approved by the secretary of the Department of Social Services. The Department~~
16 of Social Services will have rate setting authority for tuition costs and related service costs.

17 The secretary of the Department of Social Services may promulgate rules, pursuant to
18 chapter 1-26, pertaining to:

- 19 (1) The amount, scope, and duration of services;
- 20 (2) The basis for and extent of provider payments;
- 21 (3) The method and amount of payment;
- 22 (4) The methods of recoupment or recovery of overpayments;
- 23 (5) Administration, record keeping, and audit requirements;
- 24 (6) Compliance monitoring;
- 25 (7) Reporting requirement;

- 1 (8) Such other standards and requirements as may be necessary to ensure the efficient
- 2 operation and administration of the program.

1 **BILL HISTORY**

2 1/14/00 First read in House and referred to Education. H.J. 45

3 1/20/00 Scheduled for Committee hearing on this date.

4 1/25/00 Scheduled for Committee hearing on this date.

5 1/27/00 Scheduled for Committee hearing on this date.

6 1/27/00 Education Deferred to another day.

7 2/3/00 Scheduled for Committee hearing on this date.

8 2/3/00 Education Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 377

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

664D0448

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1102** - 2/4/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Brown (Jarvis) and Diedtrich (Elmer) and Senators Paisley, Lange, and Staggers

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to insurance arbitration.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 21-25A-3 be amended to read as follows:

4 21-25A-3. This chapter does not apply to insurance policies and every provision in any such
5 policy requiring arbitration or restricting a party thereto or beneficiary thereof from enforcing
6 any right under it by usual legal proceedings in ordinary tribunals or limiting the time to do so
7 is void and unenforceable. However, nothing in this chapter may be deemed to impair the
8 enforcement of or invalidate a contractual provision for arbitration entered into between
9 insurance companies. The parties to a dispute may agree in writing to arbitrate after the
10 occurrence of an event concerning the enforceability, terms, conditions, damages, or any other
11 dispute involving the insurance policy.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to committee assignment waived. H.J. 112

3 1/19/00 Referred to Judiciary. H.J. 144

4 1/26/00 House of Representatives Referred to Commerce. H.J. 246

5 2/3/00 Commerce Hog Housed.

6 2/3/00 Commerce Hog Housed.

7 2/3/00 Scheduled for Committee hearing on this date.

8 2/3/00 Commerce Do Pass Amended, Passed, AYES 8, NAYS 4. H.J. 404

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

391D0364

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1133** - 2/2/00

Introduced by: Representatives Roe, Cutler, Eccarius, Fischer-Clemens, Koehn, Michels, and Peterson and Senators Everist, Brown (Arnold), Dunn (Jim), Flowers, Madden, Munson (David), and Shoener

1 FOR AN ACT ENTITLED, An Act to provide insurance coverage for off-label uses of
2 prescription drugs used for the treatment of cancer or life threatening conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "FDA," the federal Food and Drug Administration;

6 (2) "Health insurer," any person who provides health insurance in this state. The term
7 includes a licensed insurance company, a prepaid hospital or medical service plan, a
8 health maintenance organization, a multiple employer welfare arrangement, or any
9 person providing a plan of health insurance subject to state insurance regulation;

10 (3) "Medical literature," a published scientific study in a journal or other publication in
11 which original manuscripts have been published only after critical review for scientific
12 accuracy, validity, and reliability by unbiased independent experts and a determination
13 by the International Committee of Medical Journal Editors that it meets the Uniform
14 Requirements for Manuscripts submitted to biomedical journals. The term, medical
15 literature, does not include a publication or a supplement to a publication that is

sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier;

(4) "Standard reference compendia," one of the following:

(a) The United States Pharmacopeia Drug Information;

(b) DRUGDEX; or

(c) The American Hospital Formulary Service Drug Information;

(5) "Off-label," the use of an FDA approved drug for an indication that is not included in the approved labeling;

(6) "Drug," any substance prescribed by a licensed health care provider acting within the scope of the provider's license and that is intended for use in the diagnosis, mitigation, treatment, or prevention of disease and is taken by mouth; injected into a muscle, the skin, a blood vessel, or cavity of the body; applied to the skin; or otherwise assimilated by the body. The term, drug, includes only those substances that are approved by the FDA for at least one indication.

Section 2. No health insurer issuing a policy which provides coverage for prescription drugs may exclude coverage of any drug used for the treatment of cancer or life threatening conditions on the grounds that the drug has not been approved by the FDA for that indication if that drug is recognized for treatment of such indication in one of the standard reference compendia or in the medical literature. The prescribing physician shall submit documentation supporting the proposed off-label use or uses to the insurer, if requested. Any coverage of a drug that serves as the primary treatment required by this Act shall also include medically necessary services associated with the administration of the drug.

Section 3. No coverage is required under this Act for the following:

(1) Any drug that has not been fully licensed or approved by the FDA;

(2) The use of any drug if the FDA has determined that use to be contraindicated; or

1 (3) Any experimental drug not otherwise approved for any indication by the FDA.

2 Section 4. The provisions of this Act apply to drugs used in the treatment for cancer or life
3 threatening diseases only, and nothing in this Act may be construed to create, impair, alter, limit,
4 modify, enlarge, abrogate, or prohibit reimbursement for medications used in the treatment of
5 any other disease or condition.

6 Section 5. Nothing in this Act may be construed to prevent the application of contractual
7 deductibles or copayment provisions or managed care review.

8 Section 6. The following drugs or services are not subject to coverage under section 2 of this
9 Act:

10 (1) Any drug that is used in research trials sponsored by the manufacturer of that drug or
11 a governmental entity; or

12 (2) Any drug or service furnished in a research trial, if the sponsor of the research trial
13 furnishes the drug or service without charge to any participant in the research trial.

14 Section 7. This Act may not be used to reduce or limit coverage for off-label use of drugs
15 otherwise required by law or contract.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Commerce. H.J. 118

3 2/1/00 Scheduled for Committee hearing on this date.

4 2/1/00 Commerce Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 342

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

681D0182

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1134** - 2/4/00

Introduced by: Representatives Broderick, Chicoine, Cutler, and Wilson and Senators Albers, Everist and Reedy

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the issuance of on-sale
2 alcoholic beverage licenses within improvement districts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. A county may issue on-sale licenses pursuant to subdivision 35-4-2(6) to be
5 operated only within an improvement district, created pursuant to chapter 7-25A, within the
6 county. The number of licenses issued in the improvement district may not exceed three for the
7 first one thousand of population and may not exceed one for each additional fifteen hundred of
8 population or fraction thereof, including any licenses issued in the improvement district prior to
9 July 1, 2000.

10 Section 2. That § 35-4-11.1 be amended to read as follows:

11 35-4-11.1. If not previously fixed by ordinance or continuing resolution, the board of county
12 commissioners shall on or before the first of September in each year determine the number of
13 on-sale licenses it will approve for the ensuing calendar year and the fees to be charged for the
14 various classifications of licenses. The number of licenses issued may not exceed three for the
15 first one thousand of population and may not exceed one for each additional fifteen hundred of
16 population or fraction thereof, the population to include only those residing within the county

1 but outside the incorporated municipalities and improvement districts, created pursuant to
2 chapter 7-25A, within the county. However, any license issued in an improvement district prior
3 to July 1, 2000, shall be included when calculating the total number of licenses that may be issued
4 by the county where the improvement district is located. No licensee regularly licensed to do
5 business on July 1, 1981, may be denied reissuance of ~~his~~ a license in subsequent years solely by
6 reason of any limitations, based upon population quotas, of the number of licenses authorized
7 or established under the provisions of this title. Licenses issued to concessionaires, and lessees
8 of the State of South Dakota, within the boundaries of state parks, prior to January 1, 1983, may
9 be subtracted when calculating the total number of licenses permitted in this section. The quotas
10 established in this section do not apply to licenses issued pursuant to subdivisions 35-4-2(16) and
11 (17).

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Local Government. H.J. 118

3 1/23/00 Scheduled for Committee hearing on this date.

4 1/25/00 Scheduled for Committee hearing on this date.

5 1/25/00 Local Government Do Pass, Failed, AYES 5, NAYS 7.

6 1/25/00 Deferred to 36th legislative day, AYES 7, NAYS 5. H.J. 229

7 2/3/00 Local Government Reconsidered, AYES 11, NAYS 2.

8 2/3/00 Local Government Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 405

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

463D0531

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1154** - 2/2/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Monroe, Brown (Jarvis), Koehn, Koetzle, and Weber and
Senators Whiting, Madden, and Vitter

1 FOR AN ACT ENTITLED, An Act to provide for the provisional licensure of psychologists
2 during the one-year supervised postdoctoral psychological experience.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 36-27A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 The Board of Examiners of Psychologists may issue a provisional license not to exceed
7 twelve months in duration to an applicant who is completing the one-year supervised
8 postdoctoral psychological experience if the applicant has satisfied the requirements of
9 subdivisions 36-27A-12(1) and (2) and has completed the supervised psychological internship
10 as specified in subdivision 36-27A-12(3).

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to Commerce. H.J. 133

3 1/25/00 Scheduled for Committee hearing on this date.

4 2/1/00 Commerce Hog Housed.

5 2/1/00 Scheduled for Committee hearing on this date.

6 2/1/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 343

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

571D0648

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1175** - 2/3/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Hunt and Fiegen and Senator Moore

1 FOR AN ACT ENTITLED, An Act to authorize the Division of Insurance to promulgate rules
2 regarding the privacy of medical records.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The director of insurance shall promulgate rules pursuant to chapter 1-26, to
5 protect the privacy of personally identifiable health care and medical information, data, and
6 records. The rules shall cover health care and medical information, data, and records collected,
7 used, or disclosed by any person licensed or registered under Title 58 or any person with whom
8 such licensees or registrants contract, and shall include all health care and medical information,
9 data, and records received by or in the possession of the Division of Insurance. The rules may
10 include the following:

- 11 (1) Definition of terms;
- 12 (2) Standards for the protection of the privacy and confidentiality of personally
13 identifiable health care information and medical records;
- 14 (3) Rules for the collection, use, storage, security, disclosure, release, and disposal of
15 health care and medical information, data, and records in all forms, including printed
16 material, plastic media, audio, video, computerized and electronic transmissions;

- 1 (4) Rules regarding the sale and exchange of health care and medical information, data,
2 and records;
- 3 (5) Rules to define the responsibilities and limitations of those needing or requiring access
4 to health care and medical information, data, and records;
- 5 (6) Rules for procedures and documents required for the release or transfer of health care
6 and medical information, data, and records, including the identity of who may release
7 such information and records and under what conditions and provisions of the law,
8 as needed to protect the privacy of personally identifiable health care and medical
9 information, data, and records;
- 10 (7) Rules for the collection, use, storage, security, disclosure, distribution, release, and
11 disposal of health care information and medical records obtained, used, or held in
12 connection with the operation, maintenance, or review of insurance certificates,
13 contracts, policies, and plans, and health maintenance organizations, subject to the
14 jurisdiction of the director of insurance.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 137

3 1/20/00 Referred to State Affairs. H.J. 160

4 1/24/00 Scheduled for Committee hearing on this date.

5 1/24/00 State Affairs Deferred to another day.

6 1/31/00 Scheduled for Committee hearing on this date.

7 2/2/00 State Affairs Hog Housed.

8 2/2/00 Scheduled for Committee hearing on this date.

9 2/2/00 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 4. H.J. 363

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

366D0066

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1178** - 2/4/00

Introduced by: Representatives Napoli, Apa, Cutler, Diedrich (Larry), Diedrich (Elmer), Duenwald, Eccarius, Jaspers, Juhnke, Koskan, McNenny, Monroe, Peterson, Smidt, Sutton (Daniel), Sutton (Duane), Waltman, and Wudel and Senators Rounds, Benson, Brosz, Dennert, Drake, Flowers, Ham, Madden, Moore, Shoener, Symens, Valandra, and Vitter

1 FOR AN ACT ENTITLED, An Act to permit counties or municipalities to impose a special
2 assessment for services that are provided to certain exempt property.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any county that provides services to exempt property may assess a special
5 assessment for such services against the exempt property if the property is exempt pursuant to
6 § 10-4-9.1, 10-4-9.2, 10-4-9.3, 10-4-10, or 10-4-14. A county may impose a special assessment
7 on the exempt property for an amount not to exceed the property tax levied on taxable property
8 of a similar value. The special assessment shall be a fee for services provided and may not exceed
9 the value of the services provided to the property.

10 Section 2. If a governing body of a municipality enters into a joint powers agreement with
11 the board of county commissioners for the purpose of assessing certain exempt property, a
12 municipality may assess a special assessment against such exempt property. The property shall
13 be exempt pursuant to § 10-4-9.1, 10-4-9.2, 10-4-9.3, 10-4-10, or 10-4-14. A municipality may
14 request the county to impose a special assessment on the exempt property for an amount not to

1 exceed the property tax levied on taxable property of a similar value. The county shall retain ten
2 percent of the special assessment for administrative purposes. The special assessment shall be
3 a fee for services provided and may not exceed the value of the services provided to the
4 property.

5 Section 3. Any special assessment imposed by a county or municipality pursuant to this Act
6 shall be administered and collected pursuant to chapter 9-43.

7 Section 4. If a special assessment is made pursuant to this Act, the governing body shall
8 reduce its property tax levy request by an amount that represents ninety percent of the special
9 assessment.

10 Section 5. All real property exempt from taxation pursuant to § 10-4-9.1, 10-4-9.2, 10-4-9.3,
11 10-4-10, or 10-4-14 shall be specially assessed based primarily on the square footage of the
12 structure and the square footage of the land.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 137

3 1/20/00 Referred to State Affairs. H.J. 161

4 2/2/00 Scheduled for Committee hearing on this date.

5 2/2/00 State Affairs Do Pass Amended, Failed, AYES 6, NAYS 6.

6 2/3/00 House of Representatives Placed on Calendar, AYES 41, NAYS 28. H.J. 389

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

472D0594

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1185** - 2/2/00

Introduced by: Representatives Fiegen, Brooks, Crisp, Cutler, Derby, Eccarius, Hunt, Jaspers, Juhnke, McNenny, Peterson, Sutton (Duane), and Wilson and Senators Brown (Arnold), Flowers, and Staggers

1 FOR AN ACT ENTITLED, An Act to allow the offer of an individual health benefit plan
2 without certain mandates.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 An insurer may offer an individual health benefit plan without the minimum benefit
7 requirements otherwise required by this chapter, except for the benefits required by §§ 58-17-54,
8 58-17-55, 58-17-56, and 58-17-88.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 138

3 1/20/00 Referred to Commerce.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Commerce Do Pass Amended, Passed, AYES 9, NAYS 1. H.J. 343

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

349D0613

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1194** - 2/3/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Wilson, Cutler, Duniphan, and Fischer-Clemens and Senators Daugaard and Flowers

1 FOR AN ACT ENTITLED, An Act to provide for the issuance of a protection order in the case
2 of certain crimes of violence or assaults.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any person who has suffered physical injury as a result of an assault or a crime
5 of violence as defined in subdivision 22-1-2(9) may petition the court for a protection order. The
6 petition shall be accompanied by an affidavit made under oath stating the specific facts and
7 circumstances of the injury and the acts which caused the injury. The petition shall be governed
8 by the procedures and penalties described in §§ 22-19A-9 to 22-19A-16, inclusive.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 140

3 1/20/00 Referred to Judiciary.

4 1/28/00 Scheduled for Committee hearing on this date.

5 1/31/00 Scheduled for Committee hearing on this date.

6 2/2/00 Judiciary Hog Housed.

7 2/2/00 Scheduled for Committee hearing on this date.

8 2/2/00 Judiciary Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 362

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0671

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1200** - 2/4/00

Introduced by: Representatives Michels, Brown (Richard), Davis, Haley, Hennies, Koetzle, Lockner, Lucas, and Peterson and Senators Albers, Brosz, Brown (Arnold), and Symens

1 FOR AN ACT ENTITLED, An Act to require criminal background checks of school employees
2 and to prohibit employment of certain persons in schools.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-10 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Each person hired by a school district shall submit to a criminal background investigation,
7 by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau
8 of Investigation. The school district shall submit completed fingerprint cards to the Division of
9 Criminal Investigation before the prospective new employee enters into service. If no
10 disqualifying record is identified at the state level, the fingerprints shall be forwarded by the
11 Division of Criminal Investigation to the Federal Bureau of Investigation for a national criminal
12 history record check. Any person whose employment is subject to the requirements of this
13 section may enter into service on a temporary basis pending receipt of results of the criminal
14 background investigation. The employing school district may, without liability, withdraw its offer
15 of employment or terminate the temporary employment without notice if the report reveals a

1 disqualifying record. Any person whose employment is subject to the requirements of this section
2 shall pay any fees charged for the criminal record check. However, the school board or
3 governing body may reimburse the person for the fees.

4 Section 2. That chapter 13-10 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may be employed by a school district, either directly or by contract, if the person
7 has been convicted of a crime involving moral turpitude as defined in subdivision 22-1-2(25),
8 including traffic in narcotics; a crime of violence as defined in subdivision 22-1-2(9); or a sex
9 offense as defined in § 22-22-30.

10 Section 3. That chapter 13-10 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Any person employed by a South Dakota school district on the effective date of this Act who
13 remains continuously employed by a South Dakota school district for consecutive school years
14 is not required to submit to a criminal background check as provided in section 1 of this Act.

15 Section 4. That chapter 13-10 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 If a school board or governing body of any accredited school dismisses an employee or an
18 employee resigns as a result of a criminal conviction, the superintendent or chief administrator
19 shall, within ten days of the date the employment is severed, report the circumstances and the
20 name of the employee to the Department of Education and Cultural Affairs. Any superintendent
21 or chief administrator who fails to report under this section is subject to sanctions found in § 13-
22 8-48.

23 Section 5. For purposes of this Act, the term, conviction, means a plea or verdict of guilty,
24 a suspended imposition of sentence, or a conviction following a plea of nolo contendere in this
25 state or any other state. A duly certified copy of the court record is proof of the conviction and

1 sentence.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 141

3 1/20/00 Referred to Education. H.J. 161

4 2/3/00 Scheduled for Committee hearing on this date.

5 2/3/00 Education Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 382

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

632D0545

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1210** - 2/4/00

Introduced by: Representatives Clark, Fiegen, Napoli, Putnam, and Wudel and Senators
Staggers and Bogue

1 FOR AN ACT ENTITLED, An Act to modify contract renewal provisions for school district
2 food service purchases and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 5-18-18.1 be amended to read as follows:

5 5-18-18.1. The ~~purchase~~ purchases by a school district of perishable food, raw materials used
6 in construction or manufacture of products for resale, the contracts for asbestos removal in
7 emergency response actions, and the contracts for services provided by individuals or firms for
8 consultants, audits, legal services, architectural services and engineering, insurance, real estate
9 services, auction services, or transportation of students are exempt from the provisions of this
10 chapter.

11 No contract for the transportation of students may exceed five years. Specific provisions of
12 the contract may be renegotiated during the term of the contract provided that guidelines for
13 making changes are in the contract. Any change made during the term of the contract shall be
14 reported in the school board minutes.

15 No contract for the services of a food service management company may exceed one year.

16 An original contract for the services of a school food service management company may be

1 renewed annually no more than four times consecutively following the original contract. Both
2 bid and contract shall specify that the contract can be renewed, but the local school is not
3 required to renew the contract. Specific provisions of the original contract may be renegotiated
4 prior to renewal provided that guidelines for making changes are in the original contract. The
5 school board shall record in its minutes any changes made during the term of a food service
6 management contract or renewal.

7 Section 2. Whereas, this Act is necessary for the support of the state government and its
8 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
9 force and effect from and after its passage and approval.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 143

3 1/20/00 Referred to Education.

4 2/3/00 Scheduled for Committee hearing on this date.

5 2/3/00 Education Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 382

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

813D0562

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1236** - 1/28/00

Introduced by: Representatives Juhnke, Brooks, Brown (Richard), McCoy, and Monroe and
Senators Hutmacher, Benson, and Ham

1 FOR AN ACT ENTITLED, An Act to establish the South Dakota teacher incentive student loan
2 repayment program and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Applicant," any person who has applied for student loan repayment under the South
6 Dakota teacher incentive student loan repayment program;

7 (2) "Department," the Department of Education and Cultural Affairs;

8 (3) "Program," the South Dakota teacher incentive student loan repayment program;

9 (4) "Student loan" or "loan," any loan for education purposes that meets the
10 requirements of section 3 of this Act.

11 Section 2. The South Dakota teacher incentive student loan repayment program is hereby
12 established. Under the program, any public or nonpublic school teacher who, after the effective
13 date of this Act, begins teaching in South Dakota for the first time may receive an annual
14 payment as provided in this Act from the department to pay a portion of qualifying student loans
15 incurred in enrolling in and completing any postsecondary undergraduate or graduate degree that
16 is directly related to the teacher's current teaching position.

1 Section 3. A qualifying student loan for the South Dakota teacher incentive student loan
2 repayment program includes any federally insured student loan, any education loan provided by
3 this or any other state, or any education loan from any private or public source. A loan is a
4 qualifying loan if the applicant can document that the proceeds of the loan were paid to an
5 educational institution for use in the completion of a postsecondary undergraduate or graduate
6 degree that is directly related to the applicant's employment as a teacher in South Dakota.

7 Section 4. Under the program, a qualified applicant may receive an amount not to exceed
8 fifty percent of the principal of cumulative qualifying student loans incurred by the applicant. The
9 total amount of funds paid under the program to a qualifying applicant may not exceed fifteen
10 thousand dollars, and disbursement to the applicant shall be divided into five equal annual
11 payments. If the applicant ceases to be a teacher in this state, the applicant's remaining payments
12 under the program are forfeited. No person may receive more than five payments under the
13 program.

14 Section 5. The department shall promulgate rules pursuant to chapter 1-26 to administer the
15 South Dakota teacher incentive student loan repayment program. The rules shall establish
16 application requirements and procedures, procedures for the disbursement of funds, procedures
17 for documenting the nature of education loans incurred by an applicant, procedures for verifying
18 the applicant's eligibility for the program, and other procedures and requirements necessary to
19 operate the program.

20 Section 6. The teacher incentive student loan repayment fund is hereby established in the
21 state treasury. Any money in the fund shall be used to make disbursements under the program
22 and to administer the program. Any interest earned on money in the fund shall be deposited into
23 the fund. Money in the fund is continuously appropriated to the department to carry out the
24 purposes of this Act.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to Education. H.J. 177

3 1/27/00 Scheduled for Committee hearing on this date.

4 1/27/00 Education Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 265

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

257D0659

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1237** - 2/4/00

Introduced by: Representatives Derby, Apa, Brown (Richard), Crisp, Diedrich (Larry),
Duenwald, Duniphan, Earley, Garnos, Jaspers, Klaudt, McNenny, Napoli,
Pummel, Richter, Sutton (Daniel), Wetz, Wilson, Wudel, and Young and
Senators Dunn (Jim), Bogue, Ham, Hutmacher, Kleven, and Shoener

1 FOR AN ACT ENTITLED, An Act to authorize additional licenses to sell alcoholic beverages
2 in certain convention facilities in certain municipalities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 In addition to the licenses provided by §§ 35-4-11 and 35-4-11.2, any municipality that is
7 authorized by chapter 42-7B to allow legal games of chance may issue up to twelve additional
8 convention facility on-sale licenses to hotel-motel convention facilities. A hotel-motel convention
9 facility as used in this section is a facility that, in a bona fide manner, is used and kept open for
10 the hosting of large groups of guests for compensation which has at least fifty rooms which are
11 suitable lodging accommodations and convention facilities with seating for at least one hundred
12 fifty persons. In a locally designated historical district, in a municipality that is authorized to
13 conduct gaming by chapter 42-7B, any license created by this section shall be available to
14 buildings subject to rehabilitation and restored according to the U.S. Department of the Interior
15 standards for historic preservation projects codified in 36 C.F.R. 67 as of January 1, 1994. Such

- 1 a rehabilitation project shall have at least thirty rooms that are suitable lodging accommodations.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to Local Government. H.J. 177

3 2/3/00 Scheduled for Committee hearing on this date.

4 2/3/00 Local Government Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 405

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

436D0638

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1253** - 2/2/00

Introduced by: Representatives Earley, Broderick, Diedtrich (Elmer), and Konold and Senators
Vitter, Halverson, and Shoener

1 FOR AN ACT ENTITLED, An Act to allow the creditor to require property insurance on the
2 collateral securing installment sales contracts and to allow charges for amounts related to the
3 discharge of certain interests on property traded in.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 54-3A be amended by adding thereto a NEW SECTION to read as
6 follows:

7 A creditor may require property insurance on the collateral securing the installment sales
8 contract. However, the creditor may not require the consumer to purchase such insurance from
9 the creditor, and the creditor shall so advise the consumer in writing. The amount of the
10 insurance required shall be reasonable and appropriate considering the nature of the property,
11 the amount of the contract, the term of the contract, and any other circumstances. The insurance
12 policy shall show the creditor as the loss payee, unless waived by the creditor.

13 Section 2. That § 54-3A-5 be amended to read as follows:

14 54-3A-5. In addition to the finance charge, a creditor may contract for, and receive the
15 following additional charges in connection with an installment sales contract if such charges are

1 itemized and disclosed to the buyer:

2 (1) Official fees and taxes; ~~and~~

3 (2) Charges for credit life, accident, health, loss of income, ~~property~~ or liability insurance;

4 ~~provided, that. However, any such insurance shall be~~ is optional, and the consumer

5 ~~must~~ shall be informed that any such insurance is optional;

6 (3) Charges for property insurance as required by section 1 of this Act; and

7 (4) The amount actually paid or to be paid by the creditor pursuant to an agreement with

8 the consumer to discharge a security interest, lien interest, or lease interest on the

9 property traded in.

10 Any such charges must be disclosed and explained to the consumer prior to signing any

11 agreement to repay a consumer credit obligation. Any such charges must be separately agreed

12 to in writing and separately signed by the consumer.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to Commerce. H.J. 180

3 2/1/00 Scheduled for Committee hearing on this date.

4 2/1/00 Commerce Do Pass Amended, Passed, AYES 9, NAYS 1. H.J. 344

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

714D0626

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1257** - 2/4/00

Introduced by: Representatives Garnos, Brown (Richard), Earley, Fiegen, Kooistra, Lucas, and
McCoy and Senator Olson

1 FOR AN ACT ENTITLED, An Act to provide financial incentives for teachers who are
2 nationally certified.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any teacher who teaches in a K-12 public school in South Dakota and who has
5 obtained certification by the Department of Education and Cultural Affairs shall receive a stipend
6 from the local school district sufficient to reimburse the teacher for fees incurred in completing
7 the National Board for Professional Teaching Standards certification process if the teacher
8 successfully completes all such certification requirements.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 194

3 1/25/00 Referred to Education.

4 2/3/00 Scheduled for Committee hearing on this date.

5 2/3/00 Education Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 383

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

390D0737

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB1260** - 2/4/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Fryslie, Chicoine, Juhnke, Kazmerzak, Sebert, and Weber and
Senators Frederick and Munson (David)

1 FOR AN ACT ENTITLED, An Act to increase the authorized number of nonresident waterfowl
2 hunting licenses.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 41-6-10 be amended to read as follows:

5 41-6-10. Licenses, permits, and stamps issued under this title are classified as follows:

- 6 (1) Disabled hunter permit;
- 7 (2) Export bait dealer license;
- 8 (2A) Fall three-day temporary nonresident waterfowl license;
- 9 (3) Fur dealer's license;
- 10 (4) Hoop net, trap or setline license;
- 11 (5) License for breeding and domesticating animals and birds;
- 12 (6) License to take fur-bearing animals;
- 13 (7) Nonresident big game license;
- 14 (8) Nonresident fishing license;
- 15 (9) Nonresident predator/varmint license;

- 1 (10) Repealed by SL 1999, ch 213, § 3.
- 2 (11) Nonresident retail bait dealer license;
- 3 (12) Nonresident shooting preserve license;
- 4 (13) Nonresident small game license;
- 5 (14) Nonresident and resident migratory bird certification permit;
- 6 (15) Nonresident wholesale bait dealer license;
- 7 (16) Nonresident wild turkey license;
- 8 (17) Nursing facility group fishing license;
- 9 (18) Park user's license;
- 10 (19) Permit for transportation of big game animal;
- 11 (20) Private fish hatchery license;
- 12 (21) Resident big game license;
- 13 (22) Resident elk license;
- 14 (23) Resident fishing license and resident senior fishing license;
- 15 (24) Repealed by SL 1999, ch 213, § 3.
- 16 (25) Resident retail bait dealer license;
- 17 (26) Resident small game license and resident youth small game license;
- 18 (27) Resident predator/varmint license;
- 19 (28) Resident wholesale bait dealer license;
- 20 (29) Resident wild turkey license;
- 21 (30) Scientific collector's license;
- 22 (31) Special nonresident waterfowl license;
- 23 (32) Repealed by SL 1999, ch 213, § 3.
- 24 (33) Taxidermist's license;
- 25 (33A) Spring ~~five-day~~ snow goose temporary nonresident ~~waterfowl~~ license;

1 (33B) Early fall Canada goose temporary nonresident license;

2 (34) Temporary fishing and hunting licenses.

3 The rights and privileges of such licensees are set forth in §§ 41-6-12 to 41-6-45.1, inclusive,
4 and in § 41-17-13. The Game, Fish and Parks Commission shall promulgate rules pursuant to
5 chapter 1-26 to set the fees, eligibility, and duration for such licenses.

6 Section 2. That § 41-6-18.1 be amended to read as follows:

7 41-6-18.1. It is a Class 2 misdemeanor for a nonresident to hunt, take, or kill migratory
8 waterfowl without a special nonresident waterfowl license, a fall three-day temporary
9 nonresident waterfowl license, early fall Canada goose temporary nonresident license, or a spring
10 ~~five-day~~ snow goose temporary nonresident ~~waterfowl~~ license, a migratory bird certification
11 permit, and a federal migratory bird stamp, or in violation of the conditions of the licenses or the
12 rules of the Game, Fish and Parks Commission.

13 A special nonresident waterfowl license, except as otherwise provided in this title, entitles
14 the licensee to hunt migratory waterfowl for ten consecutive days. Four dollars received from
15 the sale of each special nonresident waterfowl license shall be placed in the land acquisition and
16 development fund. The moneys from this fund shall be used to acquire by purchase or lease real
17 property to be used primarily for game production. This license shall be in such form as the
18 Game, Fish and Parks Commission shall prescribe.

19 The provision in this section limiting the validity of a special nonresident waterfowl license
20 to ten consecutive days does not apply in Union, Clay, Bon Homme, Yankton, and Charles Mix
21 counties; and in such counties, the special nonresident waterfowl license is valid during the same
22 period as is a resident waterfowl license.

23 The Game, Fish and Parks Commission may issue no more than four thousand nonresident
24 waterfowl licenses in a calendar year.

25 Section 3. That § 41-6-18.4 be amended to read as follows:

1 41-6-18.4. The Game, Fish and Parks Commission may promulgate rules in accordance with
2 chapter 1-26 to authorize the department to issue up to two thousand fall three-day temporary
3 nonresident waterfowl licenses, up to two thousand early fall Canada goose temporary
4 nonresident licenses, and a number of spring ~~five-day~~ snow goose temporary nonresident
5 ~~waterfowl~~ licenses to be determined by the department, and to establish the fee therefor, validity
6 of the licenses issued, types of waterfowl to be hunted, and areas in which hunting is permitted.
7 The fall three-day temporary nonresident waterfowl licenses are valid only on private property,
8 but are not valid on private property leased by the department for public hunting or on highways
9 or other public rights-of-way within this state that otherwise meet the requirements of
10 § 41-9-1.3. Revenue from the sale of fall three-day temporary nonresident waterfowl licenses
11 shall be deposited in the department's land acquisition and development fund to be used to
12 acquire, by lease, permit, or otherwise, interests in real property to be used for providing
13 waterfowl hunting public access in the counties adjacent to the Missouri River. Revenue from
14 the sale of early fall Canada goose temporary nonresident licenses shall be deposited in the
15 department's land acquisition and development fund to be used to acquire by lease, permit, or
16 otherwise, interests in real property to be used for providing waterfowl hunting public access.
17 Before promulgating rules which permit the issuance of fall three-day temporary nonresident
18 waterfowl licenses, the commission shall determine that adequate waterfowl hunting public
19 access has been provided through the department's land acquisition and development fund or
20 through other means.

21 Section 4. That § 41-6-72 be amended to read as follows:

22 41-6-72. Licenses issued under this title ~~shall expire on~~ at the end of the last day of December
23 of the calendar year for which they were issued unless specified otherwise in this chapter or as
24 limited or provided by the applicable license and rules promulgated by the Game, Fish and Parks
25 Commission in accordance with chapter 1-26. Waterfowl hunting licenses expire at the end of

1 the last day of the hunting season for which the license was issued.

2 Section 5. That § 41-6-15 be repealed.

3 ~~—41-6-15. Any hunting or fishing license shall expire on the last day of December in the year~~
4 ~~in which it was purchased or as limited and provided by the applicable license.~~

5 Section 6. The issuance, licensure, and revenue dedication requirements relating to early fall
6 Canada goose temporary nonresident licenses contained in sections 1 to 3, inclusive, of this Act
7 are repealed on June 30, 2003.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 195

3 1/25/00 Referred to Agriculture and Natural Resources.

4 2/3/00 Agriculture and Natural Resources Hog Housed.

5 2/3/00 Scheduled for Committee hearing on this date.

6 2/3/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 11, NAYS 2.

7 H.J. 374

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

682D0756

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1288** - 2/4/00

Introduced by: Representatives Hagen, Lucas, and Nachtigal and Senator Valandra

1 FOR AN ACT ENTITLED, An Act to permit tribal identification cards in lieu of other
2 identification when applying for a driver's license.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-12-3.1 be amended to read as follows:

5 32-12-3.1. Every applicant under this chapter shall, on making application for an operator's
6 license, restricted permit, instruction permit, or nondriver identification card, present to the
7 driver's license examiner a certified copy of a United States birth certificate issued in or by a city,
8 county, or state, a tribal identification card containing the applicant's full name and date of birth
9 issued by any tribal government in South Dakota, a federal census record, a naturalization and
10 immigration record authorizing the applicant's presence in the United States, or a valid passport.
11 The examiner may accept other evidence of birth only if the examiner is satisfied that the
12 applicant cannot, for good reason beyond the applicant's control, produce such primary
13 documents. The Department of Commerce and Regulation may not require new evidence of birth
14 at the time an application is made for an operator's permit by a person holding an operator's
15 license, restricted permit, or instruction permit, if that person's operator's license, restricted
16 permit, or instruction permit is turned in to the department with the application. Any person who

- 1 obtains a license, permit, or identification card pursuant to this section fraudulently or by use of
- 2 a fraudulently obtained document is guilty of a Class 2 misdemeanor.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 200

3 1/25/00 Referred to Commerce.

4 2/3/00 Scheduled for Committee hearing on this date.

5 2/3/00 Commerce Do Pass Amended, Passed, AYES 8, NAYS 4. H.J. 404

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

781D0001

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1290** - 2/1/00

Introduced by: Representatives Smidt, Duenwald, Eccarius, Haley, Jaspers, Konold, Peterson,
and Richter

1 FOR AN ACT ENTITLED, An Act to provide for certain members of the Executive Board of
2 the Legislative Research Council.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 2-9-2 be amended to read as follows:

5 2-9-2. The ~~state~~ Legislative Research Council shall have an Executive Board, to be known
6 as the Executive Board of the Legislative Research Council, which shall consist of ~~fifteen~~
7 nineteen members, as follows: six members from the Senate and seven members from the House,
8 to be elected by a majority vote by their respective legislative bodies before the close of each
9 regular session of the Legislature held in odd-numbered years, ~~and ex-officio the majority and~~
10 minority leaders of the Senate, the majority and minority leaders of the House, the president pro
11 tempore of the Senate, and the speaker of the House elected in such regular session. Each
12 senator and each representative serving on the Executive Board, ~~including each ex-officio~~
13 ~~member~~, shall serve until a new executive board has been selected at the next such regular
14 legislative session; ~~provided, however, that no.~~ No senator who is not reelected to the Senate
15 and no representative who is not reelected to the House of Representatives, ~~shall~~ may serve as
16 a member of the board beyond the closing day of the term to which ~~he was~~ elected. When the

1 Legislature is not in such regular session, the number of senate and house members on the
2 Executive Board shall remain constant, and any vacancy then occurring shall be filled by the
3 remaining board members of that legislative body affected. No board member, ~~excepting ex~~
4 ~~officio, shall~~ may serve more than three successive terms.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 201

3 1/25/00 Referred to State Affairs.

4 1/28/00 Scheduled for Committee hearing on this date.

5 1/31/00 Scheduled for Committee hearing on this date.

6 1/31/00 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 6. H.J. 300

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

951D0690

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1293** - 2/2/00

Introduced by: Representatives Derby, Duniphan, Fiegen, and Peterson and Senator Hainje

1 FOR AN ACT ENTITLED, An Act to revise the procedure to determine if real estate taxes have
2 been paid before the date due.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-21-23 be amended to read as follows:

5 10-21-23. On the first day of May of the year after which taxes have been assessed, one-half
6 of all unpaid real estate taxes are delinquent. However, all real estate taxes totaling fifty dollars
7 or less shall be paid in full on or before April thirtieth. On the first day of each month thereafter
8 there shall be added as interest on the delinquent taxes at the Category B rate of interest as
9 established in § 54-3-16. If the other half is not paid on or before the thirty-first day of October
10 of the same year, that also becomes delinquent on November first and the same interest shall
11 attach in the same manner. If the last day of the month falls on a Saturday or Sunday, the tax is
12 due and payable on the last working day. The tax payment shall either be received in the office
13 on the last working day or the tax payment shall be postmarked by the last day of the month that
14 the taxes are due.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 201

3 1/25/00 Referred to Local Government.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Local Government Do Pass Amended, Passed, AYES 10, NAYS 3. H.J. 337

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0793

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **HB1317** - 2/3/00

Introduced by: The Committee on Health and Human Services at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to provide additional child safety requirements for children
2 in passenger vehicles.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-37 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The operator of any passenger vehicle transporting a child who is at least five and under
7 eighteen years of age on the streets and highways of this state shall assure that the child is
8 wearing a properly adjusted and fastened safety seat belt system at all times when the vehicle is
9 in motion. A violation of this section is a petty offense.

10 Section 2. That chapter 32-37 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 The operator and every passenger of any passenger vehicle operated on a public street or
13 highway in this state, who is at least fourteen and under eighteen years of age, shall wear a
14 properly adjusted and fastened safety seat belt system at all times when the vehicle is in motion.
15 A violation of this section is a petty offense. In addition to any court-imposed fine or sanction
16 for a second or subsequent violation of this section, the Department of Commerce and

1 Regulation shall suspend the driver's license of any person found in violation of this section for
2 a period of thirty days.

3 Section 3. That § 32-37-2 be amended to read as follows:

4 32-37-2. The provisions of § ~~32-37-1~~ this chapter do not apply:

5 ~~—(1)—~~ ~~If all seating positions equipped with seat belts are occupied, or~~

6 ~~—(2)—~~ ~~In~~ in passenger cars manufactured before 1966 that have not been equipped with seat
7 belts.

1 **BILL HISTORY**

2 1/25/00 First read in House and referred to committee assignment waived. H.J. 223

3 1/26/00 Referred to Transportation. H.J. 247

4 1/27/00 House of Representatives Referred to Health and Human Services. H.J. 267

5 2/2/00 Scheduled for Committee hearing on this date.

6 2/2/00 Health and Human Services Do Pass Amended, Passed, AYES 9, NAYS 3. H.J. 362

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

995D0024

SENATE RETIREMENT LAWS COMMITTEE

ENGROSSED NO. **SB6** - 1/28/00

Introduced by: Senators Rounds, Albers, Brown (Arnold), Lawler, and Olson and
Representatives Diedrich (Larry), Davis, Fiegen, Fischer-Clemens, and Michels
at the request of the Interim Retirement Laws Committee

1 FOR AN ACT ENTITLED, An Act to provide for the increase of Class A employee and
2 employer contributions to the South Dakota Retirement System.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 3-12-71 be amended to read as follows:

5 3-12-71. The member shall make a contribution and the employer shall make an equal
6 contribution, except as otherwise specified, at the following rates:

7 (1) Class A members five percent of compensation through June 30, 2002, and six
8 percent of compensation after June 30, 2002;

9 (2) Justices, judges, and law-trained magistrates nine percent of compensation;

10 (3) All other Class B members eight percent of compensation.

11 The employer shall cause to be deducted on each payroll of a member for each payroll period
12 the contribution payable by the member as provided in this section.

13 ~~Effective July 1, 1984, contributions~~ Contributions required of members by this section shall
14 be made by the participating unit pursuant to the provisions of § 414(h)(2) of the Internal
15 Revenue Code of 1954, as amended and in effect on January 1, 1984. Such contributions shall

- 1 be classified as member contributions for all purposes under this chapter. A member may not
- 2 receive the amount of such contributions directly rather than as contributions under this section.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Retirement Laws. S.J. 15

3 1/26/00 Scheduled for Committee hearing on this date.

4 1/26/00 Retirement Laws Do Pass Amended, Passed, AYES 5, NAYS 0. S.J. 220

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0307

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB21** - 2/1/00

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to allow for additional public distribution of sex offender
2 information.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-22-34 be amended to read as follows:

5 22-22-34. The Division of Criminal Investigation may make the file available to any regional
6 or national registry of sex offenders. The division shall accept files from any regional or national
7 registry of sex offenders and shall make such files available ~~when~~ if requested pursuant to
8 §§ 22-22-30 to 22-22-39, inclusive. The division may compile regional or statewide registration
9 lists for public inspection as provided by chapter 1-27 or public distribution, including electronic
10 or internet distribution.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Judiciary. S.J. 17

3 1/14/00 Scheduled for Committee hearing on this date.

4 1/14/00 Judiciary Do Pass, Passed, AYES 5, NAYS 1. S.J. 42

5 1/15/00 Senate Do Pass, Failed, AYES 14, NAYS 18. S.J. 61

6 1/15/00 Intent to reconsider. S.J. 61

7 1/18/00 Senate Reconsidered, AYES 27, NAYS 7. S.J. 69

8 1/19/00 Senate Deferred to another day. S.J. 120

9 1/20/00 Motion to Amend, Passed. S.J. 129

10 1/20/00 Senate Do Pass Amended, Passed, AYES 29, NAYS 5. S.J. 130

11 1/21/00 First read in House and referred to Judiciary. H.J. 185

12 1/31/00 Scheduled for Committee hearing on this date.

13 1/31/00 Judiciary Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 298

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0328

SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB33** - 1/14/00

Introduced by: The Committee on Commerce at the request of the Department of Commerce
and Regulation

1 FOR AN ACT ENTITLED, An Act to define the duty of insurers and rights of consumers with
2 regard to auto insurance damage claims.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 For the purposes of this Act, paintless dent repair is any auto body repair that removes minor
7 dents by using specifically designed tools to manipulate and flex the metal from the backside of
8 the dent without the necessity of sanding, priming, or painting.

9 Section 2. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 Any insurer providing commercial or personal motor vehicle insurance in this state
12 responsible for repairing a damaged vehicle for which it is liable shall provide sufficient
13 compensation to the insured to restore the vehicle to substantially the same physical condition
14 as prior to the damage, regardless of whether the insured actually chooses to repair the vehicle.
15 The insurer may adjust claims based in whole or in part upon the paintless dent repair method
16 if:

- 1 (1) The damage is such that the paintless dent repair method is likely to place the
2 damaged area or a portion thereof in substantially the same condition as prior to the
3 damage;
- 4 (2) A paintless dent repair shop holding a South Dakota sales tax license is willing to
5 perform the work as estimated within a reasonable time frame in the local market area
6 of the insured; and
- 7 (3) The written estimate provided to the insured prominently discloses the following:
 - 8 (a) That the repair estimate is based in whole or in part upon the paintless dent
9 repair method. Each item of damage adjusted using that method shall be
10 identified;
 - 11 (b) That paintless dent repair may not be the appropriate repair method for all
12 types of damage;
 - 13 (c) That, if the insurer is liable for the damage listed on the estimate, the insurer
14 shall provide sufficient compensation to restore the vehicle to substantially the
15 same physical condition; and
 - 16 (d) That for any damage which paintless dent repair is appropriate, the insured may
17 choose not to repair the vehicle or to have the vehicle repaired using a different
18 method of repair. If the insured chooses either of these options, the insurer is
19 liable only for the cost of the paintless dent repair method.

20 If, for any portion of the vehicle's damage that the insurer has a duty to repair, the paintless
21 dent repair method is inappropriate, the insurer shall compensate the insured for the amount
22 necessary to complete the repairs in the local market area of the insured. The insurer may not
23 require the insured to travel an unreasonable distance to obtain a repair estimate or to have the
24 vehicle repaired. The insurer may not name a repair shop as payee on a compensation check or
25 draft unless agreed to by the insured.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Commerce. S.J. 20

3 1/13/00 Scheduled for Committee hearing on this date.

4 1/13/00 Commerce Do Pass Amended, Passed, AYES 5, NAYS 0. S.J. 36

5 1/13/00 Commerce Place on Consent Calendar.